



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 9
1235 MISSION STREET
SAN FRANCISCO, CA 94103

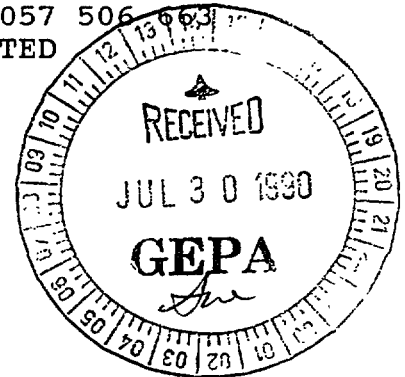


SDMS Doc ID 2003613

*Encl
Palomo
Agana* Jim
24 JUL 1990

CERTIFIED MAIL NO. P 057 506 663
RETURN RECEIPT REQUESTED

Mr. Benigno M. Palomo
Director
Department of Public Works
Government of Guam
P.O. Box 2950
Agana, Guam 96910



Dear Mr. Palomo:

Enclosed is an Administrative Order issued to the Guam Department of Public Works (DPW), Ordot Landfill, by me under Section 309 of the Clean Water Act (the "Act") for violations of the Act. Specifically, the Guam Department of Works has allowed the discharge of untreated leachate from the Ordot Landfill to the Lonfit River. EPA has not issued an National Pollutant Discharge Elimination System (NPDES) permit to allow the Guam DPW to discharge pollutants (leachate) into the Lonfit River, a water of the United States.

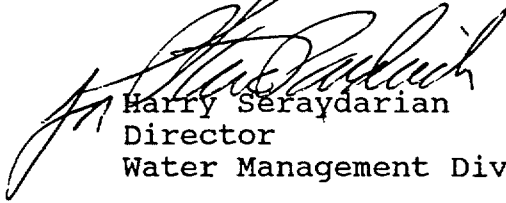
This Order, which is effective upon receipt, seeks to remedy the violations by requiring Guam DPW to submit a work plan and compliance schedule for construction of a cover (cap) system, to implement an operation and monitoring plan, and for construction of any additional surface water diversion systems for the Ordot Landfill to ensure the elimination of discharges of untreated leachate to the Lonfit River.

Any violations of the terms of the enclosed Order could subject Guam DPW to a civil action for appropriate relief pursuant to Section 309(b) and/or civil penalties under Section 309(d). In addition, Section 309(c) of the Act provides that negligent violations shall be punished by a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or imprisonment for not more than one year, or both, and willful violations shall be punished by a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or imprisonment for not more than three years, or both.

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If you have any questions regarding this matter, please contact Mike Lee at (415)556-5059 or Su Cox (415)556-5070, Office of Pacific Island and Native American Programs.

Sincerely,

A handwritten signature in dark ink, appearing to read "Harry Seraydarian", is written over the typed name and title.

Harry Seraydarian
Director
Water Management Division

Enclosure

cc: Fred Castro, GEPA

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 9

In the matter of)	
Guam Department of Public Works)	
Ordot Landfill)	Docket No. IX-FY90-28
Agana, Guam)	
)	
Proceedings under Sections 308 and)	FINDINGS OF VIOLATION
309(a) of the Clean Water Act,)	AND
as amended, 33 U.S.C. Sections)	ORDER FOR COMPLIANCE
1318 and 1319(a).		

STATUTORY AUTHORITY

The following Findings are made and Order issued pursuant to the authority vested in the Administrator of the Environmental Protection Agency (EPA) by Section 309 of the Clean Water Act (the "Act"), 33 U.S.C. Section 1319. The Administrator has delegated this authority to the Regional Administrator of EPA Region 9, who in turn has delegated it to the (undersigned) Director, Water Management Division, Region 9.

FINDINGS OF VIOLATIONS

1. Inspectors from the Guam Environmental Protection Agency (GEPA) on at least 51 inspections from July 11, 1985 to June 29, 1990 observed discharges of pollutants (untreated leachate) from the Guam Department of Public Works' (Guam DPW) Ordot Landfill, Ordot, Guam, to the Lonfit River. A copy of the inspection dates that untreated leachate was observed discharging to the Lonfit River by GEPA inspectors has been enclosed (Table 1) and made a part of these Findings and Order.

2. Section 301(a) of the Act, 33 U.S.C. Section 1311(a), provides that except as in compliance with certain specified sections of the Act, including Section 402, "the discharge of any pollutant by any person shall be unlawful." Section 402 of the Act, 33 U.S.C. Section 1342, authorizes EPA to issue National Pollutant Discharge Elimination System (NPDES) permits allowing for the discharge of pollutants into water of the United States. Compliance with Section 301(a) of the Act therefore requires, inter alia, compliance with a valid NPDES permit.

3. Section 502(12) of the Act, 33 U.S.C. Section 1326(12), defines "discharge of a pollutant" as "any discharge of any pollutant to navigable waters from any point source."

4. The leachate discharge from the Ordot Landfill, as observed by GEPA inspectors, is within the definition of "pollutant(s)" contained in Section 502(6) of the Act, 33 U.S.C. Section 1326(6).

5. The Lonfit River, which receives the discharge of the leachate, is a navigable water as defined by Section 502(7) of the Act, 33 U.S.C. Section 1326(7), and waters of the United States as defined by regulations, 40 CFR Section 122.2.

6. The conveyance of the leachate via earthen channel(s) are discernable, confined and discrete conveyances, and are "point sources" as defined by Section 502(14) of the Act, 33 U.S.C. Section 1326(14).

7. The Guam DPW is the owner and operator of the facility, which is subject to regulation under the National Pollutant Discharge Elimination System program, 40 CFR Section 122.2. EPA has not issued an NPDES permit to allow Guam DPW to discharge pollutants into the Lonfit River, a water of the United States.

8. On the basis of the facts specified in paragraphs 1 through 7 above, the Director of the Water Management Division of EPA Region 9 hereby finds the Guam DPW in violation of Section 301(a) of the Act, 33 U.S.C. Section 1311(a).

ORDER FOR COMPLIANCE

Based on the foregoing Findings, and considering the potential environmental and human health effects of the violations, EPA has determined that compliance in accordance with the following requirements is reasonable. Pursuant to the authority of Sections 308 and 309 of the Act, 33 U.S.C. Sections 1318 and 1319, IT IS HEREBY ORDERED that the Guam DPW comply with the following requirements:

1. By September 15, 1990, the Guam DPW shall submit a detailed work plan and compliance schedule for the design and construction of a cover system for the Ordot Landfill that will ensure the elimination of discharges of untreated leachate to waters of the United States. The compliance schedule shall not extend past June 30, 1992 and shall include, but not be limited to, the following milestones: commence design, concept design (30%), 60% design, prefinal design (95%), complete design, commence con-

struction, draft operational plan, finalize operational plan, implement operational plan, draft monitoring plan, finalize monitoring plan, implement monitoring plan, complete construction, demonstrate compliance (no discharge). EPA shall review and approve the compliance schedule or disapprove the schedule and make any necessary adjustments within thirty (30) days after receipt of Guam DPW's submittal. Upon approval by EPA, the compliance schedule shall be incorporated into and become an enforceable part of this Order.

2. The Guam DPW shall submit a cover system design plan, in accordance with the approved compliance schedule, for the Ordot Landfill that incorporates a multilayer design comprised of a vegetation/soil top layer, drainage middle layer, a low permeability compacted clay lower layer and a gas vent layer (if sufficient gas quantities exist). The cover system design shall thoroughly address the covering (capping) of the inactive portion of the landfill, including covering and stabilizing of the landfill exposed toe area facing toward and adjacent to the Lonfit River. The design should also include a detailed topographic drawing(s) that clearly defines the boundaries of the proposed inactive area to be covered. EPA shall review and approve the design plan or disapprove the plan and make any necessary adjustments within forty-five (45) days after receipt of Guam DPW's submittal.

3. Based on the cover system design plan, Guam DPW shall develop, submit and implement an engineered operational plan, in accordance with the approved compliance schedule, that addresses the remaining active areas of the Ordot Landfill. The plan shall establish, for the remaining anticipated lifespan of the landfill, an operational strategy to optimize and structure the landfill operation. The plan shall also include implementation of the Guam's Solid Waste Disposal Rules and Regulations, General Operating Requirements, i.e., cell construction, required slopes, daily cover, etc., for the landfill to be implemented prior to and during the cover system construction and eventual landfill closure. A plan drawing shall also be provided describing the engineered plan strategy of the landfill. EPA shall review and approve the operational plan or disapprove the plan and make any necessary adjustments within thirty (30) days after receipt of Guam DPW's submittal.

4. Based on the cover system design plan, Guam DPW shall submit a design plan for a perimeter diversion system that diverts surface water(s) around the landfill. The plan shall include any diversion structures in addition to the existing diversion swales as necessary. The design plan shall also include sufficient information (photos, maps, drawings, design calculations, etc.) to demonstrate and evaluate that the diversion system adequately addresses all possible surface flows on to the landfill area. EPA

shall review and approve the perimeter diversion system or disapprove the system and make any necessary adjustments within thirty (30) days after receipt of Guam DPW's submittal.

5. The Guam DPW shall develop and submit a monitoring plan in accordance with the approved compliance schedule, to adequately determine the effectiveness of the Ordot Landfill cover system design in eliminating the discharge of leachate to waters of the United States. The monitoring plan shall be implemented immediately after the cover system has been completed for the existing inactive area of the Ordot Landfill. EPA shall review and approve the monitoring plan or disapprove the plan and make any necessary adjustments within forty-five (45) days after receipt of Guam DPW's submittal. Upon approval by EPA the monitoring plan shall be incorporated into and become an enforceable requirement of the Order.

The monitoring plan shall include, but not be limited to, the following:

- A map of the Ordot Landfill area that identifies each potential discharge point, the drainage boundaries around each discharge point, and path of discharge to the Lonfit River emanating directly from the landfill or immediate area.
- The number and location of the monitoring stations.

The Guam DPW monitoring plan shall include at least the following chemical and physical analyses for any discharge point identified in the monitoring plan for the following constituents.

Analytical testing methods for these parameters shall be in accordance with the most recent editions of Standard Methods for the Examination of Water and Wastewater (APHA, AWWA, WPCF) and Methods for Chemical Analysis of Water and Wastes (USEPA).

- Biochemical oxygen demand
- Suspended Solids
- Chemical oxygen demand
- Total dissolved solids
- Copper
- Zinc
- Cadmium
- Lead
- Iron
- Manganese
- Nitrate-Nitrogen
- Orthophosphate
- pH

Guam DPW shall submit a report on the results of analyses and the effectiveness of the cover system for the landfill.

6. For each activity required by this Order or specified in a plan required by this Order, the Guam DPW shall submit a written report on compliance or noncompliance with each compliance date. The reports shall be mailed within ten days after each required activity. If the required activity is a status report, no additional report is necessary.

7. If noncompliance is reported, notification shall include the following information:

- a. A description of the nature and dates of violations;
- b. A description of any actions taken or proposed by the Guam DPW to comply with the requirements;
- c. A description of any factors which tend to explain or

mitigate the noncompliance;

d. The date by which the Guam DPW will perform the required activity.

8. All reports submitted pursuant to this Order shall be signed by a principal executive officer of the Guam DPW and shall include the following statement:

I certify under penalty of law that this document and all attachments are prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

9. All submissions required by this Order shall be mailed to the following:

U. S. Environmental Protection Agency
1235 Mission Street
San Francisco, California 94103
Attn: Mike Lee (E-4)

and

Fred M. Castro, Administrator
Guam Environmental Protection Agency
IT&E Harmon Plaza, Complex Unit D-107
130 Rojas Street
Harmon, Guam 96911

10. This Order is not and shall not be interpreted to be an NPDES permit under Section 402 of the Act, 33 U.S.C. Section 1342, nor shall it in any way relieve the Guam DPW from obligations imposed by the Act or any other state or federal law.

11. Issuance of this Administrative Order shall not be deemed an election by EPA to forgo a civil or criminal action to seek penalties, fines or other appropriate relief under the Act.

12. This Order shall become effective upon the date of receipt by the Guam DPW.

13. This Order shall expire ninety (90) days after receipt of notification from EPA that Guam DPW has satisfied all requirements of this Order and has demonstrated compliance through the elimination of the discharge of leachate from the Ordot Landfill.

July 19, 1990
Dated: 1

Harry Seraydarian
Harry Seraydarian
Director
Water Management Division

TABLE 1

GUAM ENVIRONMENTAL PROTECTION AGENCY
ORDOT LANDFILL INSPECTION DATES
(JULY 11, 1985 THROUGH JUNE 29, 1990)

The following inspection dates reflect the dates that Guam Environmental Protection Agency inspectors observed leachate discharging from the Ordot Landfill to the Lonfit River.

<u>Inspection Date</u>	<u>Inspection Dates</u>
June 29, 1990	April 20, 1988
May 29, 1990	April 3, 1988
April 27, 1990	March 11, 1988
March 29, 1990	February 16, 1988
February 22, 1990	January 29, 1988
January 23, 1990	January 5, 1988
December 28, 1989	December 10, 1987
November 27, 1989	November 17, 1987
October 31, 1989	October 5, 1987
September 28, 1989	September 21, 1987
August 25, 1989	September 4, 1987
July 28, 1989	August 3, 1987
June 30, 1989	July 15, 1987
April 29, 1989	June 19, 1987
March 29, 1989	June 1, 1987
December 11, 1988	February 12, 1987
November 16, 1988	January 7, 1987
October 12, 1988	March 6, 1986
September 15, 1988	February 18, 1986
September 3, 1988	February 13, 1986
August 7, 1988	December 31, 1985
July 18, 1988	December 20, 1985
June 18, 1988	November 12, 1985
June 4, 1988	October 28, 1985
May 21, 1988	September 30, 1985
	July 11, 1985